

REASONS humbly offer'd to the Honourable House of Commons, against the Passing the Bill for the reversing the Attainder of Jacob Leisler, Jacob Milburn, Abraham Governour, and others.

THE Preamble to the Bill affirms these Particulars;

1. That *Jacob Leisler* was constituted Commander in chief by the General Assembly of the Province of *New York*.
2. That he was afterwards confirmed in the Government by his Majesty's Letter.
3. That Major *Ingoldsby* arriving there without any Legal Authority, demanded Possession of the Fort.
4. That immediately upon Col. *Slaughter's* Arrival as Governour in Chief, *Leisler* delivered the Fort to his Order.
5. That *Leisler, Milburn, and Governour*, were arraigned for not delivering the Fort to the said *Ingoldsby*, and executed for the same.

The Prayer of the said Bill is for restoring their Blood and Estates.

All the said Particulars are mistaken in matter of Fact, as appears by the following Account, agreeing with the Records of that Province.

1st. At the time of the happy Revolution in *England*, Col. *Nicholson* the Lieutenant ^{now Governor} of *New York*, the Council of that Province, and the Gentlemen assembled, ^{of Maryland} and humbly addressed their Majesties, submitting that Province and Government to their Disposal, and continued in Peace till the abovesaid *Leisler* with a Rabble possessed himself of the Castle, imprison'd several Gentlemen of the Council, forced the Lieutenant Governour to leave the Place, others of the Council, and the Principal Officers of the Government to abscond and hide themselves in other Provinces; and then having a clear Stage, by his own Writ call'd together several inferiour Persons to his Assistance, which this Bill entitles a *General Assembly*; which was to the great Dissatisfaction of the whole Province, as appears by an Act of the first General Assembly lawfully conven'd by their Majesties Writ, Holden at *New York* in *May, 1691*.

2^{dly}. There was a Letter from their Majesties, giving notice of their Accession to the Crown, directed to *Francis Nicholson* Esq; Lieutenant Governour, and in his Absence to the Commander in Chief, &c. which by the Messenger that brought it from *Whitehall* was delivered to *Frederick Philips* Esq; the first of their Majesties Council there, who by Commission was to preside in the Absence of the Lieutenant Governour: which Letter was taken from the said *Philips* by the said *Leisler* with a Force of armed Men, and great Menaces; and this is the Letter, and no other, which the Bill says afterwards confirm'd him in the Government.

3^{dly}. Major *Ingoldsby*, with two Foot Companies of their Majesties Granadeers, parted from *England* with Col. *Slaughter* their Majesties Governour of *New York*, in the Year 1690. but arrived there some Weeks before him, and was kindly received by the Gentlemen of the Council, shew'd his own and other Officers Commissions to *Leisler*, and demanded to have the Souldiers and Stores lodged in the Castle, being sent for a Garison there, which *Leisler* refused; so that he was forced to quarter the Souldiers elsewhere; and the Stores lay on board, in hazard to be lost, for several Weeks, contrary to what is alledged in the Bill.

4^{thly}. Upon Col. *Slaughter's* Arrival and sitting in Council in the State-house of *New York*, he sent Major *Ingoldsby* with the two Companies above-mention'd in Arms, to demand Entrance for the Governour and themselves into the Castle, which *Leisler* from the Walls refused, and kept the Gates barred. After three several Summons and Refusals, Proclamation was made, that whosoever would leave the Fort before Morning should be indemnified; which those within took hold of, so as that of 300 Men with *Leisler* in the Fort, there remain'd but 20 in the Morning, who seized upon the said *Leisler*, bound him, and delivered him Prisoner to the Governour and Council. And this is the Truth of the Surrender and Delivery of the Fort mentioned in the Bill.

5^{thly}.

5thly. *Leisler* and *Milburn* were arraign'd in one Indictment of High Treason, for holding their Majesties Castle against their Majesties Governour by Commission. And another Indictment of Murder, there having been (on the Day of the Governour's Arrival into that Province) discharged from the Walls of the Castle many great and small Shot through the Streets and Houses of the Town, whereby several of their Majesties Subjects were killed and wounded: To both which Indictments they stood mute, and received Judgment of Death. *Abraham Governour*, who is now attending the Honourable House upon this Bill, was indicted of Murder, and the Evidence was, that with a Fuzee from the Wall he killed an old Man passing in the Street, and ask'd his Companions at the same time whether he was not a good Marks-man, &c. Upon which he was convicted, and had Judgment of Death. And all this is called in the Bill, not delivering the Fort to Major *Ingoldsby*.

The above-said several Judgments were ratified by a General Assembly which succeeded, and both Houses of the said Assembly voted and demanded of the Governour the Executions of *Leisler* and *Milburn*.

The Prayer of the Bill upon these Premisses is, To restore the said Persons and their Heirs to their Blood and Estates.

The 1st of the three Persons, *Jacob Leisler*, came into that Province a poor German Musqueteer, was never naturalized, left not Estate sufficient to pay his Debts.

The 2^d, *Jacob Milburn*, was the Son of a poor Tailor in this Kingdom, left no other Issue but one Son, born five Months after his Marriage, and no visible Estate.

The 3^d Person, *Abraham Governour*, is a Frenchman, never naturaliz'd, nor has any visible Estate; so that there is neither Blood nor Estate of any of the three Persons mentioned in the Bill to be restored.

Now it is humbly moved, that since all the *Estates* of that Government, so important to this Kingdom, as well as the Courts there, consisting of Loyal Gentlemen to the present Government of *England*, have given Judgment in this Case, this Honourable House will not proceed *ex parte*, but give time for that Government to shew their Records, to justify their Proceedings, and that Gentlemen in Commission from their Majesties may not at such a Distance, and unheard, be aspersed, or left to be harassed by such mean Persons as will avail themselves of such an Act.

R E A S O N S

Against

LEISLER'S Bill.